

ever suitable advance action is invariably taken in the matter of filling up vacancies to reduce the gap between the date of retirement and the appointment against the vacancy.

**Petition against introduction of new buses under STA Permits**

3840. SHRI JEEWAN SHARMA: Will the Minister of SURFACE TRANSPORT be pleased to state:

(a) whether the association of private bus operators have moved the High Court of Delhi challenging the introduction of the scheme to licence 3000 private buses under the STA permits;

(b) if so, the details of the points taken up in their application;

(c) whether the Court has given any decision in this regard; and

(d) if so, the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER): (a) Yes, Sir.

(b) The following objections have been raised by the Association:—

- (i) The STA is not empowered to frame any scheme and limit the number of permits to be granted to 3000.
- (ii) Limit can only be to the total number of stage carriage permits for a city to be imposed by the State Government by notification in official gazette.
- (iii) STA/RTA is not empowered to frame any scheme inviting applications for stage carriage permits (Section 72 of M.V. Act) and appli-

cation may be made at any time and STA/RTA shall not ordinarily refuse to grant such application (Section 80 of M.V. Act).

- (iv) The Act does not provide for or envisage furnishing of security by way of deposit either for production of bus or otherwise;
- (v) Under Section 71 (3) (d) (ii) STA/RTA has to consider and attach due weightage to experience and performance of existing operators of Stage Carriage Services;
- (vi) Application for grant of permit can be refused only by assigning valid reasons and permits cannot be sought to be discharged by draw of lots.
- (vii) The STA/RTA is not empowered to fix specific routes and it only has to decide to grant or refuse permit for any route as specified and applied for.
- (viii) STA/RTA is not empowered to impose any condition for free or concessional passes;
- (ix) STA/RTA cannot impose condition that 'route once granted shall be subject to rechange later on'.
- (x) Before granting these permits, STA may consider the long pending applications of some operators, who have been pending applications of some operators, who have been plying their buses under DTC since long.
- (c) No, Sir.
- (d) Does not arise.